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SENATE BILL 173

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Linda M. Lopez

FOR THE INFORMATION TECHNOLOGY AND  
TELECOMMUNICATIONS OVERSIGHT COMMITTEE

AN ACT

RELATING TO EMERGENCY RESPONSE; ENACTING THE EMERGENCY  
COMMUNICATIONS INTEROPERABILITY ACT; ESTABLISHING THE  
INTEROPERABILITY PLANNING COMMISSION; ASSIGNING DUTIES TO THE  
HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT;  
REQUIRING STATE AND LOCAL AGENCY COMPLIANCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 12 NMSA 1978 is  
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the  
"Emergency Communications Interoperability Act"."

Section 2. A new section of Chapter 12 NMSA 1978 is  
enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the Emergency  
Communications Interoperability Act:

.174057.4SA

underscored material = new  
[bracketed material] = delete

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1           A. "department" means the homeland security and  
2 emergency management department;

3           B. "first responder" means a public safety employee  
4 or volunteer whose duties include responding rapidly to an  
5 emergency, including but not limited to:

6                   (1) a law enforcement officer;

7                   (2) a firefighter or certified volunteer  
8 firefighter; and

9                   (3) an emergency medical services provider;

10           C. "infrastructure equipment" means the underlying  
11 fixed equipment required to establish interoperable  
12 communications between radio systems used by local, state,  
13 tribal and federal agencies and first responders; and

14           D. "interoperability" means coordination of  
15 critical information communication systems or networks,  
16 including radio and emergency coordination information  
17 equipment, that are consistently operable with all relevant  
18 local, state, tribal and federal agencies and first  
19 responders."

20           Section 3. A new section of Chapter 12 NMSA 1978 is  
21 enacted to read:

22                   "[NEW MATERIAL] INTEROPERABILITY PLANNING COMMISSION--  
23 CREATED.--

24           A. The "interoperability planning commission" is  
25 created and administratively attached to the department.

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underscored material = new  
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1           B. The interoperability planning commission is a  
2 permanent advisory commission created to advise and support the  
3 department on emergency response and homeland security  
4 activities relating to interoperability, the obtaining of  
5 funding and the use of available funding.

6           C. The commission consists of twelve members,  
7 including:

- 8                   (1) the lieutenant governor;
- 9                   (2) the homeland security advisor;
- 10                  (3) the secretary of information technology or  
11 the secretary's designee;
- 12                  (4) the adjutant general or a representative  
13 from the department of military affairs;
- 14                  (5) the secretary of energy, minerals and  
15 natural resources or the secretary's designee;
- 16                  (6) the state fire marshal or the fire  
17 marshal's designee;
- 18                  (7) the secretary of Indian affairs or the  
19 secretary's designee;
- 20                  (8) the secretary of transportation or the  
21 secretary's designee;
- 22                  (9) the secretary of health or the secretary's  
23 designee;
- 24                  (10) the secretary of public safety or the  
25 secretary's designee;

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1 (11) the executive director of the New Mexico  
2 municipal league or the executive director's designee; and

3 (12) the executive director of the New Mexico  
4 association of counties or the executive director's designee.

5 D. The commission shall appoint a chair and vice  
6 chair from among its members. The commission shall meet at the  
7 call of the chair but no less than two times each year.

8 E. Members of the commission, or their designees,  
9 who are not supported by public money may be reimbursed for per  
10 diem and mileage pursuant to the Per Diem and Mileage Act, but  
11 shall not receive any other compensation, perquisite or  
12 allowance."

13 Section 4. A new section of Chapter 12 NMSA 1978 is  
14 enacted to read:

15 "[NEW MATERIAL] INTEROPERABILITY PLANNING COMMISSION--  
16 DUTIES.--The interoperability planning commission shall advise  
17 the department on:

18 A. the development and coordination of a statewide  
19 interoperable emergency communications plan in compliance with  
20 national incident management system guidelines, including an  
21 integrated public safety radio communications system and other  
22 coordinated critical information systems, to achieve  
23 interoperability within and between local, state, tribal and  
24 federal agencies and first responders;

25 B. implementation of the interoperable emergency

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1 communications plan by state and local agencies and shall  
2 provide specific directions for methods by which agencies shall  
3 implement those strategies;

4 C. priorities relating to the interoperable  
5 emergency communications plan; and

6 D. other matters relating to planning, development,  
7 coordination, promotion and implementation of the interoperable  
8 emergency communications plan."

9 Section 5. A new section of Chapter 12 NMSA 1978 is  
10 enacted to read:

11 "[NEW MATERIAL] INTEROPERABILITY--DEPARTMENT.--The  
12 department shall:

13 A. establish, implement and administer a statewide  
14 interoperable emergency communications plan and standards for  
15 a statewide integrated public safety radio communications  
16 system;

17 B. train representatives of entities in the state  
18 that are involved in emergency response and homeland security  
19 activities with respect to interoperability;

20 C. require that all radio communications at  
21 emergency incidents adhere to the national incident management  
22 system guidelines established by the federal department of  
23 homeland security and statewide integrated public safety radio  
24 communications standards;

25 D. use appropriated money, including money from

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underscoring material = new  
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1 relevant federal homeland security grants, for the purposes of  
2 designing and promulgating systems compliant with the standards  
3 established under Subsection A of this section and to enable  
4 the implementation and maintenance of a statewide interoperable  
5 public safety radio communications system; and

6 E. report annually to the appropriate interim  
7 legislative committee."

8 Section 6. A new section of Chapter 12 NMSA 1978 is  
9 enacted to read:

10 "[NEW MATERIAL] INTEROPERABILITY--AGENCY COMPLIANCE.--All  
11 state and local agency budgets and plans to purchase  
12 infrastructure equipment shall conform to the interoperability  
13 standards developed by the department."

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